REMARKS

Claims 16-27 are pending. By this amendment, Claims 16, 19, 22, 25 and 28 are amended to provide more comprehensive protection for certain aspects of the invention and Claims 19, 22, 25, 28 are amended to provide proper antecedent basis and to correct punctuation errors, Formal Figures have also been submitted herewith. Reconsideration is respectfully requested.

Claims 19-22, 24-25 and 28 are rejected under 35 U.S.C. § 112, second paragraph. Claims 16-27 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,590,197 to Chen (herein after "Chen"). As clarified during a March 23rd Telephone Conference with Examiner Nguyen, the rejection under 35 U.S.C. § 102 is under § 102(b). Claims 28-30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Chen and further in view of U.S. Patent No. 6,548,773 to Linden et al. (hereinafter "Linden"). By virtue of the above amendments, the rejection under 35 U.S.C. § 112 has been overcome. Additionally, for the reasons discussed hereinafter, it will become apparent that the cited references, taken in either alone or in combination, fail to anticipate or render obvious the pending claims.

Specifically, Claim 16 recites, *inter alia*, an embedded system… comprises a chip having an information processor and a memory for information storage, the memory storing at least one object file containing information associated with an object located in the network and making it possible to create an instance of this object, said information processor including a first network interface adapted to cooperate with a second matching network interface located in a terminal, so that the embedded system constitutes an information server in the network, by means of a third object file interface, the third object file interface comprising intelligent agents for establishing correspondence between information passing

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through the first network interface and assigned to at least said object file and information exchanged with the object file. Similarly, Claims 19, 22, 25 and 28 specify that the embedded system constitutes an information server in the network, by means of an object file interface, adapted to establish correspondence between information passing through the first network interface means and assigned to at least the object file.

In contrast, Chen is directed toward an electronic payment system comprising a smart card storing a "cyber wallet" having sensitive account information, a public key file and a browser program. The browser program enables the transmission of an authorization ticket to a merchant which forwards the authorization ticket to an account processor for the authorization of transactions. As recited on column 4, lines 1-13 and column 6, lines 21-26 of Chen, it is stated that the "cyber wallet" can be stored on a smart card or on the customer's computer, together with a browser program. Chen does not explicitly state that the browser program could be stored on a smart card. While in no manner conceding that Chen can have a browser on a smart card, assuming arguendo the browser program could be stored on the smart card, Chen would need to have included interface means for establishing a correspondence between information stored and processed on a smart card and information processed by the customer's terminal communicating in the network. However, Chen makes absolutely no reference to such interface and, in contrast, states on column 5, lines 12-19 that "the particular information contained on the smart card and the particular browser software included in the wallet are not part of the invention, but rather it is their combination with the public key file and the manner in which they are used to carry out a transaction that constitutes the invention."

Chen does not teach or suggest protocol conversion between a card and a browser of a terminal for communication in a network, but only allows the basic access to data of a card

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and a transmission of the extracted data by a browser and a network. Chen also does not take into account all the protocol layers necessary for data exchanges between a terminal card and a smart card, since, as outlined above it is "not part of the invention." Even further, one would not have been motivated to implement a browser program in the "cyber wallet" of Chen's smart card since it would have required a complete redesign and implementation of intelligent agents or small applications in the smart card, as discussed in relation to the exemplary embodiments of the present invention. The "cyber wallet" described by Chen is not an embedded system and it does not constitute a server in the network as claimed. Chen merely provides information to a browser connected as a client in the network that requests an authorization from a server.

Further in contrast, Linden is directed toward a method for communication in a network, in which a mobile station comprises protocol means for establishing a request, containing address information identifying a local resource stored on a smart card, located in the mobile station. This is a particular wireless application protocol (WAP) procedure in which the resources to which the mobile station can access or store in the smart card. The resources can be, for instance, several addresses of servers providing useful services to the users. Linden takes into account the protocol layers needed for communication in a network and for data exchange between a smart card, because Linden concerns the protocol stacks needed to access a resource on the network, as shown in Fig. 2b, or to access a local resource on a smart card, as shown in Fig. 3.

With reference to Fig. 3 of Linden, Linden does not need two protocol stacks in the same device for requesting a resource on the smart card (column 9, line 30) and as shown in Figs. 4 and 5, which represent the preferred embodiment of Linden's invention. Column 9, line 52 of Linden states that "a separate port is allocated to the interface of the smart card."

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Thus only one protocol stack is sufficient to address resources located in the smart card,

which can be identified by a "protocol means of the application protocol," residing in one of

the layers in the protocol stacks, i.e., see Claim 8. This can be verified because the request

for local resources located on the smart card are sent to the interface of the smart card. Any

element of a protocol stack in the terminal will need the presence of its counterpart in the

interface of the smart card for the translation of their quest into low-level commands to be

sent to the smart card itself. Such interface of the smart card is essential for the

implementation of Linden's invention, however Linden is silent as to the content of this

interface. Specifically, Linden states that "the protocols related to the interface of the smart

card in connection with data transmission are taken care of by the application software used"

and that the application software taking care of the interface stored "in the program memory

of the smart card at the manufacturing stage of the card." This clearly indicates that Linden's

invention is not concerned with the interface of the smart card, which is developed by

manufactures, but rather concerns the way to send information to the interface as can be seen

throughout the entirety of Linden's specification. Accordingly, Linden's invention concerns

the application protocol that can be used in a WAP environment for sending a request to an

interface. Such an interface, in order to transmit request to the smart card, would need the

implementation of intelligent agents, such as those used by Applicants' invention, for the

translation of the request sent to the interface in a language related to a browsing protocol

into requests in a low-level language intelligible for the smart card. Only through using the

teachings of Applicant's invention, could the smart card really be considered as an embedded

system able to behave like a "server in the network" as claimed.

Claim 19 additionally recites, method steps of establishing a list of one or more agents

implemented and for each agent, defining call arguments necessary to the agent so as to

describe as set of sessions between agents and an object file. Claim 22 additionally recites, identification of an object file and execution of this object file so as to implement sessions between one or more agents described by an object file executed from the information server of the embedded system. Claim 25 is a comparable method that additionally recites, loading an object file and a specific software capable of implementing it by browser software and execution of the specific software by the browser software so as to implement sessions between one or more agents described by an object file executed from browser software. Claim 28 is directed toward a method for instantiating an object located in a network comprising identifying, by means of a universal resource identifying, a specific software implementing a browser software so as to enable the embedded system to implement sessions between one or more agents described by an object file executed from browser software.

As is apparent from the above discussion, none of the cited references teach or suggest the embedded system as recited in Claim 16, nor the method for instantiating an object using an embedded system as recited in Claims 19, 22, 25 and 28. The claims that depend therefrom are also not anticipated or rendered obvious for at least these reasons, and the additional feature(s) recited therein.
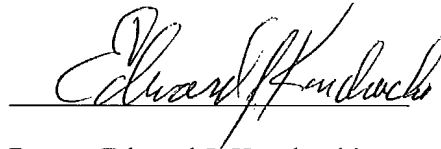
An early and favorable Notice of Allowance is respectfully requested.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the telephone number listed below.

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The Commissioner is hereby authorized to charge to deposit account number 50-1165 (Docket No. T2146-906652) and fees not included herein, under 37 CFR §§ 1.16 and 1.17, that may be required by this paper and to credit any overpayment to that Account. A duplicate copy of this page is included for such purpose. If any additional extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

Date: June 7, 2004

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